

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID PERSE,)	
)	
Petitioner,)	
vs.)	NO. CIV-05-0955-HE
)	
ERIC FRANKLIN, ET AL.,)	
)	
Respondents.)	

ORDER

Petitioner David Perse instituted this action seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Robert E. Bacharach, who has issued his Report and Recommendation suggesting that the action be transferred to the Northern District of Oklahoma. The transfer is warranted, the magistrate judge found, because the petitioner is challenging a conviction that was obtained in the Northern District and his trial records and counsel should be more easily accessible there.¹


The parties failed to object to the Report and Recommendation and, accordingly, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996), *cert. denied*, 519 U.S. 909 (1996). *See* 28 U.S.C. § 636(b)(1)(c); LcvR72.1(a).

¹*The magistrate judge noted that, because the petitioner is incarcerated in the Western District of Oklahoma, both the Northern and Western districts have concurrent jurisdiction over the habeas petition.*

Accordingly, the court adopts Magistrate Judge Bacharach's Report and Recommendation and **TRANSFERS** this case to the Northern District of Oklahoma.

IT IS SO ORDERED.

Dated this 23rd day of September, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE